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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,594	01/28/2004	Virgil L. Collins	03-876	5205
20306	7590	01/12/2006		
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER ADAMS, GREGORY W	
			ART UNIT 3652	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/767,594		COLLINS, VIRGIL L.	
	Examiner		Art Unit	
	Gregory W. Adams		3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed November 25, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy of said photographs was received. Please provide duplicate copies.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carriage slidably attached "to the outside of the elongated body" and bearing shoes 15 must be shown or the feature(s) canceled from the claim(s). For example, FIG. 11 appears to show carriage 13 enclosed by elongated body. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 3,272,546) in view of Nijenhuis (US 4,802,811) and Raisio (US 5,163,800) (previously cited).

With respect to claims 1-2, Cooley discloses an elongated body 12, carriage 31, multi-stage central hydraulic cylinder 41, means 44 for releasably engaging a container or other structure, a first pair of hydraulic cylinders 14, 16, and a hook 44 and does not disclose rollers, jib and a second pair of hydraulic cylinders attached to a carriage and engaging means. Nijenhuis discloses rollers 12, a jib and hook lift 19 attached to a carriage 13 that is slidably attached to an elongated body outside. Nijenhuis teaches vertically and horizontally movable gripping means for gripping an interchangeable

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container and bringing it from a lower level onto a supporting surface on a vehicle or other support, and for removing it therefrom. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Cooley's apparatus to include a jib and hook lift attached to a carriage and rollers, as per the teachings of Nijenhuis, to grip containers having various gripping means.

Raisio discloses a second pair of hydraulic cylinders 85 enabling pivoting of a hook 83, 84 relative to its base to load cargo having a substantially plane bottom and flexibility in locating of a load hook 84. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cooley's apparatus to include a second pair of hydraulic cylinders 85, as per the teachings of Raisio, for flexibility in loading plane bottomed loads.

2. Claims 3-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooley (US 3,272,546) in view of Nijenhuis (US 4,802,811), Raisio (US 5,163,800) and Marmur (US 5,203,668).

With respect to claims 3-4, Cooley discloses a carriage but does not disclose a cable sheave. Marmur discloses a cable sheave 19 for a cable 20 that attaches to a container or other structure such that the cable will be merely fixedly secured with respect to the container and the lower frame during movement of the upper frame which greatly minimizes capital costs and provides an easily maintained and a quick and efficient operation device which facilitates loading and unloading of a container structure. Col. 1. Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to modify Cooley's apparatus to include a sheave, as per the teachings of Marmur, to reduce container loading costs.

With respect to claims 5-7, Cooley discloses an elongated body 12, carriage 31, multi-stage central hydraulic cylinder 41, means 44 for releasably engaging a container or other structure, a first pair of hydraulic cylinders 14, 16, and a hook 44 and does not disclose rollers, jib and a second pair of hydraulic cylinders attached to a carriage and engaging means. Nijenhuis discloses rollers 12, a jib and hook lift 19 attached to a carriage 13 that is slidably attached to an elongated body outside. Nijenhuis teaches vertically and horizontally movable gripping means for gripping an interchangeable container and bringing it from a lower level onto a supporting surface on a vehicle or other support, and for removing it therefrom. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Cooley's apparatus to include a jib and hook lift attached to a carriage and rollers, as per the teachings of Nijenhuis, to grip containers having various gripping means.

Raisio discloses a second pair of hydraulic cylinders 85 enabling pivoting of a hook 83, 84 relative to its base to load cargo having a substantially plane bottom and flexibility in locating of a load hook 84. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cooley's apparatus to include a second pair of hydraulic cylinders 85, as per the teachings of Raisio, for flexibility in loading plane bottomed loads.

Cooley discloses a carriage but does not disclose a cable sheave. Marmur discloses a cable sheave 19 for a cable 20 that attaches to a container or other structure such that the cable will be merely fixedly secured with respect to the container and the lower frame during movement of the upper frame which greatly minimizes capital costs and provides an easily maintained and a quick and efficient operation device which facilitates loading and unloading of a container structure. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cooley's apparatus to include a sheave, as per the teachings of Marmur, to reduce container loading costs.

With respect to claim 8, Cooley discloses an elongated body 12, carriage 31, multi-stage central hydraulic cylinder 41, means 44 for releasably engaging a container or other structure, a first pair of hydraulic cylinders 14, 16, and a hook 44 and does not disclose rollers, jib and a second pair of hydraulic cylinders attached to a carriage and engaging means. Nijenhuis discloses rollers 12, a jib and hook lift 19 attached to a carriage 13 that is slidably attached to an elongated body outside and has friction reducing mechanism 15'. Nijenhuis teaches vertically and horizontally movable gripping means for gripping an interchangeable container and bringing it from a lower level onto a supporting surface on a vehicle or other support, and for removing it therefrom. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Cooley's apparatus to include a jib and hook lift attached to a carriage and rollers, as per the teachings of Nijenhuis, to grip containers having various gripping means.

Raisio discloses a second pair of hydraulic cylinders 85 enabling pivoting of a hook 83, 84 relative to its base to load cargo having a substantially plane bottom and flexibility in locating of a load hook 84. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cooley's apparatus to include a second pair of hydraulic cylinders 85, as per the teachings of Raisio, for flexibility in loading plane bottomed loads.

Cooley discloses a carriage but does not disclose a cable sheave. Marmur discloses a cable sheave 19 for a cable 20 that attaches to a container or other structure such that the cable will be merely fixedly secured with respect to the container and the lower frame during movement of the upper frame which greatly minimizes capital costs and provides an easily maintained and a quick and efficient operation device which facilitates loading and unloading of a container structure. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cooley's apparatus to include a sheave, as per the teachings of Marmur, to reduce container loading costs.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 4,225,281 to Bibeau et al.

US 6,817,825 to O'Haen

US 3,077,278 to Alexander

US 4,153,169 to Cipkowski

US 3,894,644 to Alexander


US 4,704,063 to Updike et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA

 1/9/06
DEAN J. KRAMER
PRIMARY EXAMINER